

UNITED STATES DISTRICT COURT
for the
District of Arizona

United States of America

v.

Timothy Jason Wells

Defendant

Case No.

17-8306m5

CRIMINAL COMPLAINT

I, Chaitanya R. W. Furlong, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about July 18, 2017, in the District of Arizona, defendant Timothy Jason Wells, having previously been convicted on March 17, 2004, of Unlawful Sexual Intercourse with a Minor 3+ years younger, in Superior Court of California, El Dorado County, case number PO4CRF0087, a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm which had previously been shipped or transported in the interstate or foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

I further state that I am a Special Agent with Federal Bureau of Investigation (FBI) and that this complaint is based on the following facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

AUTHORIZED BY: AUSA Lisa E. Jennis

☒ Continued on the attached sheet.

ckw Furlong
Complainant's signature

Chaitanya R. W. Furlong, FBI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: July 19, 2017

J. Boyle
Judge's signature

City and state: Phoenix, Arizona

Honorable John Z. Boyle, U.S. Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Chaitanya R.W. Furlong, being duly sworn, depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed since December 2010. Currently, I am assigned to the Phoenix Division FBI Joint Terrorism Task Force (JTTF) in Phoenix, Arizona. This squad is responsible for investigating many different types of criminal violations including domestic terrorism, weapons of mass destruction, illegal militia activities, and illegal sovereign citizen activities. Prior to working on this squad I worked international terrorism as well as all domestic terrorism threats, which included illegal militia and sovereign citizen activities, weapons of mass destruction and bombing matters. As an FBI Agent, your Affiant is authorized to investigate violations of federal law, particularly those laws found in Title 18 of the United States Code, and execute warrants issued under the authority of the United States.

2. My training in law enforcement includes agency specific training in all aspects of conducting federal criminal investigations, including the planning, preparation, and execution of search warrants. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), authorized to conduct investigations into alleged violations of federal law. Through my experience and training, I know that it is a felony offense for any person who has been

convicted in any court of a crime punishable by imprisonment for a term exceeding one year to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce according to Title 18, United State Code, Section 922(g)(1).

3. This affidavit is made in support of a criminal complaint and arrest warrant for TIMOTHY JASON WELLS for violation of Title 18, United States Code, Section 922(g)(1) – Convicted Felon in Possession of a Firearm. The statements contained in this affidavit are based on your affiant's training and experience as a Special Agent as well as information provided to your affiant by other agents of the FBI, other law enforcement officers, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of your affiant's knowledge about this matter.

II. INVESTIGATION

4. On March 17, 2004, WELLS was convicted in Superior Court of California, El Dorado County, on three counts of felony Unlawful Sexual Intercourse with a Minor 3+ Years Younger, Case Number PO4CRF0087. On April 17, 2017, El Dorado County, California Superior Court provided the FBI with certified conviction records for WELLS including the case history. The records reflected convictions for three counts of felony Unlawful Sexual Intercourse with a Minor 3+ Years Younger with no indication of expungement or restoration of rights to possess a firearm or ammunition. On June 21, 2017, El Dorado County, California, probation confirmed WELLS' felony convictions were not

reduced to misdemeanors and that there is no record of WELLS' restoration of rights to possess a firearm or ammunition.

5. On May 26, 2017, Facebook complied with a search warrant on the Facebook account of WELLS (Facebook user ID#100013375780584). A review of WELLS' Facebook account showed that as early as September 2016 (the month in which WELLS opened his Facebook account), WELLS began making frequent comments via Facebook regarding his personally owned firearms, the purchase and manufacture of firearms for his personal use, and shared pictures of what he claims are actual functioning firearms, including one where he was holding a long-gun, despite having previously been convicted felon.

6. Between September 7, 2016 and January 8, 2017, WELLS (utilizing Facebook User Name: Tim Wells, User ID: 00013375780584), made the following Facebook posts referencing his use, possession, or access to personally owned firearms:

a. On September 7, 2016, WELLS posted a picture of himself holding a black long-gun while holding up his middle finger. WELLS commented, "PISSIN THE WORLD OFF ONE PERSON AT A TIME". Two Facebook users comment, "Now this is you!!!" and "Omg! Some things never change, do they?? Lol". WELLS responded, "I got more guns than carter's got peanuts". In addition, another photograph was obtained from the search warrant for WELLS' Facebook account which shows two firearms laid out on top of a quilt. The firearm on top appears similar to the one WELLS is seen holding (with an added vertical fore-grip but without the scope/optic on top).

b. On September 8, 2016, in a private message conversation with a Facebook user, the user asked WELLS how he and his family were doing, WELLS replied in part, “hey we are doing good been building ar-15’s and shooting everyday...” (An AR-15 is a semi-automatic version of the United States military M16 rifle).

c. On September 14, 2016, WELLS commented on a post, “I THINK I AM GOING TO GO LOAD MY AK AND SHOOT THE TV”. (An AK-47, or “AK” for short, is a reference to a semi-automatic rifle of the type originally developed in the Soviet Union by Mikhail Kalashnikov, and later used by the Soviet Army).

d. On October 7, 2016, in a private message conversation with a Facebook user, WELLS describes a recent gun purchase stating, “going good ,just bought a browning m 1919 belt feed machine gun . I love living in Arizona were we can own any gun we want as long as were not nuts or a felon .”

e. On October 12, 2016, WELLS replied to a comment on a post, “I will beat you to the gold brother , I have belt fed in 7.62 x51 and 50 bmg. any way brother ill see you on the battlefield ,bring some whiskey ,we will cellabrate”

f. On October 13, 2016, in a private message conversation with a Facebook user, WELLS stated, “i have my own range ,shoot every day”.

g. On October 16, 2016, WELLS replied to a comment on a post, “more than enuf , start buying weapons and lots of ammo , join our fight when the day comes”.

h. On October 28, 2016, WELLS commented on a post, "I GUESS MY SHIPMENT ON THE AMMO I PURCHASED WAS A LITTLE TOO HEAVY".

i. On November 10, 2016, WELLS replied to a comment on a post which stated in part, "CALIFORNIA YOUR DAYS ARE OVER , THATS WHY I CAME TO ARIZONA , FUCK WEED I AINT GOT IT I DONT SMOKE ANYMORE ,CANT AFFORD IT , THE SHIT HERE IS POISON , AND I RATHER SHOOT MY FULL AUTO WEAPONS THAT I HAVE AND DOIN IT LEGAL ,BUT WITHOUT MY MEDICINE..."

j. On November 11, 2016, WELLS commented on a post, "AND PEOPLE LIKE ME ARE GOING TO KILL THEM AND THE LAW ENFORCEMENT THAT DID NOT DO THERE JOB , REVOLUTION THE ONLY SOLLUTION , OI WILL KILL EVERY AMERICAN DIRTBAG I ENCOUNTER , I HAVE BEEN WAITING FOR THE DAY TO USE MY STOCKPILE UP , EVERY REAL AMERICAN BETTER GET OFF THERE ASSES AND GET READY , SLACKERS WILL BE SHOT ON CONTACT , FUCK YOU IF YOU DO NOT THINK IM TELLING THE TRUTH , YOU HAVE ALL BEEN WARNED , ! NOW GO FUCK YOURSELF YOU TRAIDER ASS LIBERALS"

k. On November 13, 2016, in a private message conversation with a facebook user, WELLS stated, "hey brother just noticed you live only about a hour and half from me and my famdamly i live in kingman AZ. lets get together , i live in noweres land have my own gun range"

l. On November 22, 2016, WELLS replied to a comment, "tomorrow I will send you some pics of what I have in my collection . a 9mm or 40 would be good ,for handgun,you can buy ammo that is true killing stuff without it being something that is to heavy or unruly for you to handle.what state do you live in?"

m. On November 22, 2016, WELLS replied to a comment, "oh I just moved my family out of there last year , I live in kingman az ,were my weapons are legal .there finally out of hideing ,and being used daily , I have my own shooting range ."

n. On November 26, 2016, WELLS commented on a picture with the caption, "DO YOU WANT TO BUILD AN A-R?"(referring to building an AR-15 style rifle) and stated, "ALREADY HAVE , 47 AND COUNTING , EVEN A.K. AND GLOCKS , YOU BETTER ☺CATCH UP , I WILL BUY ALL THE PARTS AND LEAVE YOU ALL EMPTY HANDED ,LOL , BUILD IT"

o. On November 28, 2016, WELLS commented on a post, "I HAVE ALMOST 90,000 ROUNDS IN 6 CALIBERS , 10,000 LINKED ,AND ANOTHER 6700 ROUNDS ALLREADY IN DRUMS , BRING IT ON LIBFUCKS , ARE YOU READY TO DIE"

p. On December 1, 2016, in a private message conversation with Facebook user, WELLS stated in part, "I kicked the shit out of a white nigger at the circle k a couple of weeks ago , my stepdad just froze and did not know what to think . I had to tell him to get in the fuckin truck lol," " ...but the dude threw a candy bar rack at the tellers face at the counter . she was not deserving to be treated like that and I stepped in ,


when his friends came out of the car I drew my glock 45 and said I like killin niggers ,the whole store was freeked out , but that is how things work here”.

7. On July 18, 2017, FBI Special Agents executed a Federal Search Warrant for WELLS’ residence in Kingman, Arizona. During the search of the residence, one American Firearms .38 Special caliber handgun, serial number 21146 was located. This firearm was made in San Antonio, Texas and has therefore been previously shipped and transported in interstate and foreign commerce. The firearm also contained one .38 Special caliber round made by Winchester Western and one .38 Special caliber round made by Federal. Neither .38 Special round was manufactured in the State of Arizona. In addition, approximately 20 firearms, all of which were locked in a safe, and multiple ammunition cans containing approximately 22,000 rounds of ammunition were located at WELLS’ residence.

8. WELLS demonstrated that he had access to the safe, which was located in the garage of his residence by opening the safe with the passcode at request of the FBI Special Agents. The .38 Special handgun was loaded and located in the bedroom of WELLS’ residence. WELLS’ wife confirmed during an interview with the FBI that the .38 Special handgun belonged to WELLS and was left to him upon his grandfather’s death. The ammunition cans, which contained approximately 22,000 rounds were located on the garage floor of WELLS’ residence.

III. CONCLUSION

9. Based upon the aforementioned information, your affiant submits that there is probable cause to believe that on or about July 18, 2017, in the District of Arizona, TIMOTHY JASON WELLS, a felon, did knowingly and unlawfully possess a firearm and ammunition which had been previously shipped and transported in interstate and foreign commerce in violation of Title 18, United States Code, Section 922(g)(1).



Chaitanya R. W. Furlong
Special Agent, FBI

Sworn to and subscribed before me this 19th day of July, 2017.



HONORABLE JOHN Z. BOYLE
United States Magistrate Judge